

REMARKS

Claims 1-14 are now pending in the application. By this amendment, claims 1 and 6 have been amended. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ABSTRACT

The Examiner has objected to the specification because the Examiner finds that the Abstract does not appear on a separate sheet. A separate sheet containing the Abstract is submitted herewith.

REJECTION UNDER 35 U.S.C. § 102(a) AND 102(e)

The Examiner has rejected all claims under 35 U.S.C. 102(a) and 102 (e) based on Riordan et al (US 203/0100297). The Examiner relies on Riordan as teaching a method for granting access privileges to a terminal device in which the device notifies the network of its installed software ad configuration. The network then compares that information to a list of approved versions of software and configurations, and decides whether to grant access. The disapproved terminal device can then download approved software to install and reconfigure. The reconfigured terminal device can then transmit its new software and configuration information to the network in order to gain access.

In contrast, the applicants' invention is directed to a method for downloading a software configuration to a device. In one embodiment, the device obtains the R-CFG file and validates it before attempting to reconfigure itself by installing the software. In another embodiment, the server checks the compatibility of the R-CFG file with the device requesting the R-CFG file and only permits the download if the R-CFG file is compatible with the device. On the device side, the compatibility determination can be part of a validation process that includes determining whether the R-CFG file is licensed by the appropriate regulatory agency and determining that the data integrity is verified. The device can have a public key and hash function of the regulatory agency stored in tamper proof hardware. The device manager on the device can differentiate different types of software and implement different types of download strategies, so that the R-CFG download strategy is not employed with other types of files.

With reference to applicants' claims, claims 1-5 are directed to the embodiment where the device determines compatibility; whereas claims 6-14 are directed to the embodiment where the server validates.

The system described by Riordan et. al. does not operate in the manner of applicants' embodiments. For example:

- At paragraphs [0028]-[0030] Riordan et al. teach that the terminal device merely transmits its information, and the network determines whether the software configuration of the device is compatible with the network.
- Also, at paragraph [0020], Riordan et al. teach that the server merely informs the disapproved device of approved software configurations, and then allows the device to download software, without regard for the device type.
- Also, at paragraphs [0028]-[0030], Riordan et al. teach that the device installs the software before allowing the network to attempt to determine whether its new configuration is compatible with the network.

Thus, there is no prior determination of whether the software is compatible with the device, and the device is not prevented from installing software that would allow it to receive or transmit on radio frequencies that are prohibited for that type of device.

In order to more fully distinguish applicants' invention from Riordan et. al., claim 1 has been amended to clarify that the device manager on the SCR device is used to inhibit installing of the SDR device until after it determines whether the R-CFG is compatible with the SCR device.

Regarding the server-side embodiment (claims 6-14) it is respectfully submitted that the Examiner may have misinterpreted these claims in concluding that they had limitations similar to claims 1-5. Indeed, claims 1-5 place the compatibility determination within the device manager on the SCR device; whereas claims 6-14 place the compatibility determination at the server.

It is respectfully submitted, therefore, that claims 6-14 do not require amendment in order to distinguish applicants' invention from Riordan et. al. These claims already recite that uploading of the R-CFG from the server is based on the determination of the SCR type (claims 6-10), or based on the determination whether the R-CFG file is compatible with the SCR device (claims 11-14). Thus it is respectfully submitted that claims 6-14 are allowable over Riordan et. al.

Note that applicants have amended claim 6 to clarify that the determination is based on the SCR device type.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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